

REMARKS

Claims 1-11 are at issue. No claims have been allowed.

Claims 1-4 have been rejected under 35 U.S.C. 102(e) as being anticipated by Liao. The Examiner has stated that Liao has a first resilient member which forms a seal around the end of a plunger 40.

Liao discloses a plunger with a breakable area 63 between a long inwardly retracting rod 62 in a hollow receiving rod 66. Further, plunger 60 includes a head 61 to which a rubber gasket 50 is attached. In operation, as best seen in Figure 66 and as explained in paragraph [0020], the breakable area 63 is broken whereby the long inwardly retracting rod 62 can be withdrawn into hollow receiving rod 66. However, it can also be seen that the end 61 and the rubber gasket 50 are not withdrawn into hollow end 66.

Claim 1 has been amended whereby it now calls for a hollow plunger carrying a removable core in its leading open end whereby the hollow interior is sized to receive the removable core, the needle, and the needle hub. Further, claim 1 calls for a first resiliently deformable member removably attaching the core to the plunger. Liao shows no such structure. In Liao the plunger does not include a hollow interior which is sized to receive a removable core, a needle, and a needle hub. A needle and a needle hub remain outside the hollow core. Further, Liao does not include a first resiliently deformable member which removably attaches the core to the plunger. Liao does not include a removable core. Further, Liao's rubber gasket 60 does not removably attach the core to the plunger. Applicant therefore respectfully submits that claim 1, as amended, distinguishes patentably over Liao. Since claims 2-4 depend from claim 1, they include all the limitations of claim 1. Claims 2-4 therefore also distinguish patentably over Liao.

Claims 6-10 have been rejected under 35 U.S.C. 102(e) as anticipated by Donnan et al.

Donnan et al. is assigned to the assignee of record of the instant patent application. Donnan et al. discloses a sheath, an intravenous adapter, whereby a sheath may be used as a filling needle during filling of the syringe to avoid any risk of compromising the needle. The

Application No. 10/670,643  
Amendment dated August 15, 2005  
Reply to Office Action dated May 19, 2005

sheath does not engage the retraction mechanism to prevent retraction of the needle prior to removal of the sheath. Donnan et al.'s sheath does enclose the needle but does not prevent retraction of the needle. As to paragraph 9 which the Examiner has called out, Applicant notes that nothing in that paragraph states that a sheath engages the retraction mechanism to prevent retraction of the needle prior to removal of the sheath. Paragraph 9 merely states that the sheath is removably engageable with the syringe to sheath the needle. Applicant therefore respectfully submits that claims 6-10 are not anticipated by Donnan et al. and distinguish patentably thereover.

Claim 5 has been rejected under 35 U.S.C. 103(a) as unpatentable over Liao in view of Smith et al.

Smith et al. discloses a cannula and stylet system which utilizes a glass needle hub. However, Smith et al. does not correct the deficiencies of Liao pointed out hereinabove. Smith et al. does not have a removable core in the leading open end of a hollow plunger nor a first resiliently deformable member removably attaching the core to the plunger. Applicant therefore respectfully submits that claim 5 is not obvious under Liao in view of Smith et al.

Claim 11 has been rejected under 35 U.S.C. 103(a) as unpatentable over Donnan et al. in view of Botich et al., U.S. Patent 5,788,677.

Donnan et al. has been discussed hereinabove. Botich et al. does mention the use of a glass barrel. However, this does not correct the deficiencies of Donnan et al. pointed out hereinabove. Applicant therefore respectfully submits that the combination of Donnan et al. and Botich et al. does not render claim 11 unpatentable for obviousness.

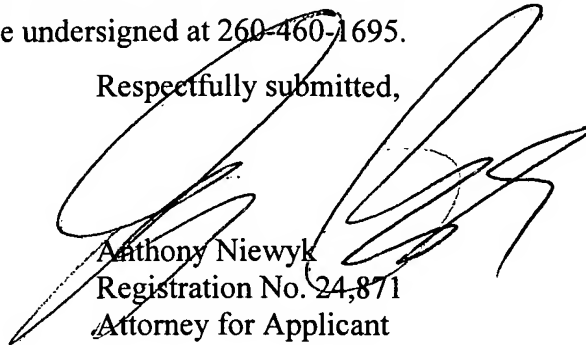
In view of the above, Applicant respectfully submits that all claims at issue are in condition for allowance and respectfully request allowance thereof.

In the event Applicant has overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels LLP.

Application No. 10/670,643  
Amendment dated August 15, 2005  
Reply to Office Action dated May 19, 2005

Should the Examiner have any questions regarding any of the above, the Examiner is respectfully requested to telephone the undersigned at 260-460-1695.

Respectfully submitted,



Anthony Niewyk  
Registration No. 24,871  
Attorney for Applicant

AN/mh

BAKER & DANIELS LLP  
111 East Wayne Street, Suite 800  
Fort Wayne, IN 46802  
Telephone: 260-424-8000  
Facsimile: 260-460-1700

Enc.: Postcard